

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TAMMY KITZMILLER, et al.,
Plaintiffs,

V.

DOVER AREA SCHOOL DISTRICT and
DOVER AREA SCHOOL DISTRICT
BOARD OF DIRECTORS,
Defendants.

Case No. 04-CV-2688
(Hon. Judge Jones)

(Filed Electronically)

DEFENDANTS' MOTION *IN*
LIMINE TO EXCLUDE THE
TESTIMONY OF
JEFFREY SHALLIT, PH.D.

Defendants Dover Area School District and Dover Area School District Board of Directors, through counsel, hereby move this Court to exclude the testimony and expert report of Plaintiffs' rebuttal witness Jeffrey Shallit, Ph.D. ("Shallit") pursuant to Fed. R. Civ. P. 37.

Shallit's proffered testimony is unnecessary and permitting it at trial would be prejudicial to Defendants and should be prohibited.

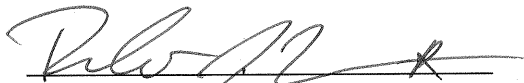
In support of this motion, Defendants rely upon the pleadings, papers of record, and accompanying brief with attached exhibits.

Pursuant to LR 7.1, Defendants' counsel sought concurrence in this motion from Plaintiffs' counsel on August 12, 2005, and it was denied.

WHEREFORE, Defendants respectfully asks this Court to grant their motion and preclude Plaintiffs from using or introducing into evidence at trial the testimony and expert report of Jeffrey Shallit, Ph.D.

Respectfully submitted this 6th day of September 2005,

By:



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CERTIFICATE OF SERVICE

I hereby certify that on September 6, 2005, a copy of the foregoing Defendants' Motion *in Limine* to Exclude the Testimony of Jeffrey Shallit, Ph.D., and Defendants' Brief in Support of Motion *in Limine* to Exclude the Testimony of Jeffrey Shallit, Ph.D., with exhibits and certification were served on the following counsel through the electronic case filing system:

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